

**BEFORE THE IOWA
ETHICS AND CAMPAIGN DISCLOSURE BOARD**
Pursuant to Chapter 17A and Chapter 68B

IN THE MATTER OF:)	
)	Case No. <u>2010 IECDB 08</u>
PAULA BUCKMAN,)	
In the Capacity as the Candidate for)	PROPOSED DECISION and
Buckman for Supervisor,)	ORDER of the
RESPONDENT.)	PRESIDING OFFICER

A hearing was held on June, 18, 2010. The Board's legal counsel, Charles Smithson, and Respondent, Paula Buckman were both present by telephone. The parties agreed to discuss the issues and the evidence informally. The hearing was to determine if Respondent violated Iowa Code Sections 68A401(3), 68A.402 and 68B32A(8) by failing to timely file the January 19, 2009 campaign disclosure report.

At the hearing Mr. Smithson stated that the report due to be filed on January 19, 2009 was actually not filed until March 13, 2009. The Respondent acknowledged that the report was filed late. The Respondent agreed that her letter of April 29, 2009 set forth the reasons for the late filing. The reasons for the late filing were essentially that she was very busy at the time with business and taxes and with the condition of her mother, who died in March of 2009. It did not appear that Respondent was relying on her mother's condition as the reason for failure to timely file her report. Her statement was just that "it was a busy time". The Respondent indicates that she relied on the reminders sent out by the Board and that she didn't receive one advising of the filing

requirement. Mr. Smithson pointed out that these reminders are sent as a courtesy and are not required by law.

The Respondent was critical of the timeliness of the Board's action on her requested waiver. It would appear that her request for waiver was received by the Board the day after its in person Board Meeting on April 30, 2009. For various reasons the next in person Board Meeting was not held until April 29, 2010, and it was at that meeting that the Respondent's request for waiver was denied. The undersigned shares the concern about the efficient and timely handling of such requests.

The Respondent was responsive and cooperative. The Respondent currently serves in the elected position on the Louisa County Board of Supervisors. She has more than a passing interest in seeing that the laws of the State of Iowa are enforced. As a candidate and an elected official she is obliged to know and appreciate the importance of campaign disclosure requirements under the Iowa Code. As an official who no doubt holds and will hold other citizens accountable to fulfill their duties in a timely fashion, it would appear that regardless of the Respondent's business endeavors, she should be held accountable as well for her responsibilities under the Code of Iowa. Timeliness, however, should be a two-way street that the Board should acknowledge. The action of the Board to deny the waiver was not unreasonable under all the circumstances, but in the interest of justice under the circumstances of this case it should be reduced.

Based on the evidence presented, the Presiding Officer finds the Respondent violated Iowa Code section Sections 68A401(3), 68A.402 and 68B32A(8) by failing to timely file the January 19, 2009 campaign disclosure report as alleged in the Allegations of the Statement of Charges.

Pending final approval by the Iowa Ethics and Campaign Disclosure Board IT IS
HEREBY ORDERED:

1. The civil penalty assessed in the amount of \$100 is reduced to \$50.
2. The Board should consider implementing more efficient procedures for requests such as that made by the Respondent in this case.

Dated this 18th day of June, 2010

By: 
Gerald Sullivan, Presiding Officer

Pursuant to rule 351—11.26(1), within 14 days after the issuance of this proposed decision either party may serve a statement of exceptions with the proposed decision together with a brief and arguments. An exception shall be served by delivery of the original and five copies of each document to the Board office. A copy of all filings shall also be served on the opposing party. At the time of filing an exception, either party may request oral arguments. If oral arguments are not requested, the Board will rule on the arguments raised in the briefs. If exceptions are not filed concerning this matter the Board will automatically review this proposed decision. The Board's decision on review of a proposed decision is a final agency action. Pursuant to the provisions of 351—11.27, either party may apply for a rehearing from a final order of the Board.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this Proposed Decision and Order of the Presiding Officer was sent by first class mail, address service requested, on June 18, 2010 to:

Paula Buckman
207 N. Church Street
Morning Sun, Iowa 52640

W. Charles Smithson
Iowa Ethics & Campaign Disclosure
Board
510 East 12th, Suite 1A,
Des Moines, Iowa 50319

